

REMARKS

The present Amendment is responsive to the Official Action dated March 12, 2007. In the Official Action, Claims 1-3, 6, 10-13, 20, 21, 23-26, and 40-44 were rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,724,878 to Burg *et al.* (“Burg”) in view of U.S. Patent No. 5,920,812 to Palviainen (“Palviainen”).¹ Claims 4, 5, 7-9, and 22 were rejected under 35 U.S.C. § 103 as being obvious over Burg in view of both Palviainen and U.S. Patent No. 5,930,700 to Pepper *et al.* (“Pepper”). Claims 14-19, 27-29, 31, 32, and 36-39 were rejected under 35 U.S.C. § 103 as being obvious over Burg in view of both Palviainen and U.S. Patent Application Publication No. 2001/0010691 to Shen *et al.* (“Shen”). Claims 30 and 33-35 were rejected under 35 U.S.C. § 103 as being obvious over Burg in view of Palviainen, Pepper, and Shen. Finally, Claim 44 was also rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Reconsideration of the claims in view of the following remarks is respectfully requested.

I. Rejections Under 35 U.S.C. § 103

Independent Claim 1 reads as follows:

1. A method of notifying a call forwarding party about a forwarded call, said method comprising:
 - forwarding a call from a calling party to a destination defined by said call forwarding party;
 - establishing processable data content of a notification about said forwarded call; and
 - sending said notification by a service of a communication network to a terminal of said call forwarding party, wherein said content of the notification comprises information about at least a type of forwarding.

¹ The Official Action expressly states at p. 3 that the rejections are based on 35 U.S.C. § 102(b), but this statement is placed immediately under the heading “Claim Rejections – 35 USC § 103”, and the description of the rejections includes, apparently necessarily, both Burg and Palviainen. As such, Applicants assume that the rejection is indeed under 35 U.S.C. § 103, and that the language related to § 102(b) was included in error.

Independent Claims 20, 25, and 44 all contain similar recitations of a “notification comprising information about at least a type of forwarding,” albeit in slightly different language in some cases.

In rejecting Claim 1, the Official Action admits that *Burg* does not teach or suggest providing a “notification about a type of [call] forwarding.” See p. 4 of the Official Action. The Official Action goes on to indicate that *Palviainen* teaches providing a notification about a type of call forwarding, and cites both col. 2, line 58 through col. 3, line 6 and col. 6, lines 66-67 of *Palviainen* as supporting this proposition.

Column 2, line 58 onward of *Palviainen* discloses a mobile exchange being informed of the fact that call forwarding is in an activated state for a called subscriber by some subscriber database of the network. The mobile exchange also knows the type of the call being made, whether it be a voice call or a data call. In one embodiment, the “information concerning the type of the call is transmitted to the mobile exchange as included, for instance, in a message where the subscriber database notifies the carrying out of call forwarding and gives a number to which the forwarding is to be performed. The mobile exchange implementing the call forwarding checks the type data of the call and omits possible intermediate announcements relating to the call forwarding in connection with a data call and allows intermediate announcements in connection with speech calls.” *Palviainen* goes on to state that the mobile exchange implementing the call forwarding may be a transit exchange routing the call or a terminating exchange serving the mobile station, to which exchange the call is routed. Column 6, lines 66-67 of *Palviainen* discloses that a subscriber can specify ahead of time that calls are uniformly forwarded based on call type, for example, having speech calls forwarded to a secretary and telefax calls forwarded to the office telefax number.

The above described portion of *Palviainen* is therefore directed to the receipt of information, regarding both call type and the activation of a call forwarding state, by a mobile exchange. Some portion of the information regarding the call forwarding state may be predefined by a user. Neither this nor any other portion of *Palviainen* addresses the case in which notification about a type of forwarding is sent to a terminal of the call forwarding party, as recited in Claim 1. By sending such information to a terminal of the call forwarding party,

which may or may not be coincident with the terminal to which calls are forwarded, that party may be able to utilize the information, for example, to cancel the call forwarding operation. In contrast, in *Palviainen*, any conditions on call forwarding are predefined by a subscriber based on the call type, and the call forwarding party is not notified about, and does not interact with, specific cases of call forwarding. This latter point is supported by the statement at col. 6, line 67 through col. 7, line 3: "Information on the call forwarding functions activated by the subscriber is stored permanently in the home location register HLR of the subscriber." Hence, by storing the settings of the subscriber in the HLR, the settings can be automatically executed and it is not necessary to notify the subscriber of the call forwarding.

For at least the above reasons, Applicants respectfully submit that independent Claims 1, 20, 25, and 44, and the claims respectively depending therefrom, are patentable over *Burg* and *Palviainen*, taken either alone or in combination.

II. Rejections Under 35 U.S.C. § 101

Claim 44 reads as follows:

44. A computer program product comprising a computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising:

- a first executable code portion configured to forward a call from a calling party to a destination defined by a call forwarding party;
- a second executable code portion configured to establish processable data content of a notification about said forwarded call, the processable data content including information about at least a type of forwarding; and
- a third executable code portion configured to send said notification by a service of a communication network to a terminal of said call forwarding party.

The Official Action states that "since the claimed computer program product [of Claim 44] comprising a readable storage medium having computer readable program codes are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has [sic] not complied with 35 U.S.C. § 101." See p. 3 of the Official Action.

Applicants respectfully submit that Claim 44 is directed to an invention that is “tangibly embodied in a physical medium,” that physical medium being the “computer-readable storage medium” recited in Claim 44. One example of such a “computer-readable storage medium” would be a compact disc. Moreover, Claim 44 recites that the computer-readable program code portions are stored in the physical medium. As such, Applicants respectfully submit that the rejection of Claim 44 under 35 U.S.C. § 101 has been traversed.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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